IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.622 OF 2007

The Tata Power Co.Ltd. .. Petitioner.
Vs.
Mr.Sanju Kehru Adhav & Ors. .. Respondents.

Mr.K.M.Naik with Mr.S.P.Salkar for the petitioner.
Mr.P.M.Patel for respondent nos.1 to 5.

CORAM : D.B.BHOSALE, J.
DATED : 9TH JULY, 2007.

P.C.:

. Heard learned counsel for the parties.

2. By this writ petition, the petitioner has impugned an order dated 7.6.2006 passed by the Labour Court, Mumbai in Application (BIR Misc.) No.36 of 2003 and seeking its quashing to the extent of the direction that all the issues be tried together and also to the extent of not framing two jurisdictional issues regarding limitation and resjudicata/constructive resjudicata. My attention was invited to the proposed issues on page 5. It appears that out of five issues proposed by the petitioner-company only two issues have been framed. I have heard the learned counsel for the parties. They have fairly stated that for disposing of this petition I need not record the reasons. Mr.Naik,

learned counsel for the petitioner, on instructions, made a statement that the petitioner will not insist for trying any of the issues framed as a preliminary issue and he has no objection for deciding all the issues simultaneously. His statement is accepted. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that the following order will meet the ends of justice:

(a) The proposed issue nos.(a), (c) and (e), as stated in the application bearing BIR (Misc.) No.36/2003, also be framed and addressed by the court below on merits and decided in accordance with law.

(b) The court below shall proceed with hearing and decide all the issues simultaneously and expeditiously. The writ petition is disposed of.

(D.B.BHOSALE, J.)